

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISHA CREATIONS, LTD.)	
)	Civil Action No. 08-CV-1065 (MGC)
Plaintiff/)	
Counterclaim Defendant,)	ECF Case
)	
- against -)	PLAINTIFF CHRISHA CREATIONS,
)	LTD. REPLY AND AFFIRMATIVE
DOLGENCORP, INC., DOLLAR GENERAL)	DEFENSES TO COUNTERCLAIMS OF
CORPORATION, and FAMILY DOLLAR)	DEFENDANTS DOLGENCORP, INC.,
STORES, INC.)	DOLLAR GENERAL CORPORATION,
)	and FAMILY DOLLAR STORES, INC.
Defendants/)	
Counterclaim Plaintiffs,)	

Plaintiff/Counterclaim Defendant, CHRISHA CREATIONS, LTD. ("Chrisha"), by and through its attorneys, Rivkin Radler LLP, hereby replies to the counterclaims of Defendants/Counterclaim Plaintiffs, DOLGENCORP, INC., DOLLAR GENERAL CORPORATION, and FAMILY DOLLAR STORES, INC. ("Defendants"), as follows:

JURISDICTION AND VENUE

43. The averments contained in Paragraph 43 set forth a legal conclusion to which no response is required. To the extent a response is required, Chrisha denies the averments contained in Paragraph 43 of Defendant/Counterclaim Plaintiff's counterclaims and refers all questions of law to this Honorable Court.

44. The averments contained in Paragraph 44 set forth a legal conclusion to which no response is required. To the extent a response is required, Chrisha denies the averments contained in Paragraph 44 of Defendant/Counterclaim Plaintiff's counterclaims and refers all questions of law to this Honorable Court.

45. The averments contained in Paragraph 45 set forth a legal conclusion to which no response is required. To the extent a response is required, Chrisha denies the averments

contained in Paragraph 45 of Defendant/Counterclaim Plaintiff's counterclaims and refers all questions of law to this Honorable Court.

FIRST COUNTERCLAIM – DECLARATION OF NONINFRINGEMENT

46. Chrisha repeats and realleges its responses to the averments set forth in Paragraphs 43 through 45 as if fully set forth herein.

47. Chrisha admits the averments contained in Paragraph 47 of Defendant/Counterclaim Plaintiff's counterclaims.

48. Chrisha denies the averments contained in Paragraph 48 of Defendant/Counterclaim Plaintiff's counterclaims and respectfully refers all questions of law to this Honorable Court.

49. Chrisha denies the averments contained in Paragraph 49 of Defendant/Counterclaim Plaintiff's counterclaims.

50. Chrisha admits the averments contained in Paragraph 50 of Defendant/Counterclaim Plaintiff's counterclaims.

51. Chrisha denies the averments contained in Paragraph 51 of Defendant/Counterclaim Plaintiff's counterclaims and respectfully refers all questions of law to this Honorable Court.

52. Chrisha denies the averments contained in Paragraph 52 of Defendant/Counterclaim Plaintiff's counterclaims.

SECOND COUNTERCLAIM – DECLARATION OF INVALIDITY AND

UNENFORCEABILITY

53. Chrisha repeats and realleges its responses to the averments set forth in Paragraphs 43 through 52 as if fully set forth herein.

54. Chrisha denies the averments contained in Paragraph 54 of Defendant/Counterclaim Plaintiff's counterclaims.

55. Chrisha denies the averments contained in Paragraph 55 of Defendant/Counterclaim Plaintiff's counterclaims.

WHEREFORE, Chrisha denies that Defendant/Counterclaim Plaintiff is entitled to any of the relief requested against it in Defendant/Counterclaim Plaintiff's wherefore clause and hereby requests dismissal of the counterclaims in their entirety.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendants fail to state any claim upon which relief can be granted under any theory.

SECOND AFFIRMATIVE DEFENSE

The counterclaims against Chrisha are barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Defendant's counterclaims are barred by the doctrines of laches, estoppel, unclean hands and/or waiver.

FOURTH AFFIRMATIVE DEFENSE

Both the '446 and '769 Patents are valid, and enforceable under 35 U.S.C. §§ 101, 102, 103, and/or 112, and both the '446 and '769 patent are infringed by Defendants.

FIFTH AFFIRMATIVE DEFENSE

There has been no patent misuse by Chrisha.

SIXTH AFFIRMATIVE DEFENSE

None of Chrisha's claims are subject to equitable estoppel or common law equitable estoppel.

SEVENTH AFFIRMATIVE DEFENSE

There is no prosecution history estoppel applicable to Chrisha's claims.

EIGHTH AFFIRMATIVE DEFENSE

There is no prior art that limits the scope of the claims.

NINTH AFFIRMATIVE DEFENSE

Chrisha did not engage in any inequitable conduct, and defendants affirmative defenses of inequitable conduct, equitable estoppel, and common law equitable estoppel should be struck for failure to plead any specific facts supporting these defenses.

TENTH AFFIRMATIVE DEFENSE

Chrisha reserves the right to amend its Answer and to assert additional defenses and/or supplement, alter or change this Answer upon completion of appropriate investigation and discovery, up to and including the time of trial.

Uniondale, New York
May 2, 2008

/s/

Celeste M. Butera (CMB 5659)
Stephen J. Smirti, Jr. (SJS 2777)
Pia E. Riverso (PER 6287)
RIVKIN RADLER LLP
926 RexCorp Plaza
West Tower – 10th Floor
Uniondale, NY 11556-0111
Phone: (516) 357-3000
Fax: (516) 357-3333

Bartholomew Verdirame (BV 2351)
Tony V. Pezzano (TVP 2058)
Michael P. Dougherty (MPD 0431)
Cadwalader, Wickersham & Taft LLP
One World Financial Center
(212) 504-6000
Fax (212) 504-6666

Attorneys for Plaintiff,
Chrisha Creations, Ltd.